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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/915,689	07/26/2001	Cary Lee Bates	ROC920010126US1	8233

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EXAMINER
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ROSWELL, MICHAEL

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/915,689

Applicant(s)

BATES ET AL.

Examiner

Michael Roswell

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,9-15 and 20-23 is/are rejected.
- 7) ☒ Claim(s) 3-8 and 16-19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

The disclosure is objected to because of the following informalities: the brief descriptions of Figures 4 and 6 recite the terms "is a is an" and "is a is a", respectively. Furthermore ¶ 0022 appears under the "Brief Descriptions of the Drawings" section, and is seemingly more related to the invention summary.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 11 and 22 recite the limitation "if the GUI cannot be positioned" in the first line of the claim. There is insufficient antecedent basis for this limitation in the claim. Dependent claims 12 and 23 are likewise rejected.

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 2, 9, 10, 13-15, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carr (U.S. Patent 5,428,733) and Grillo et al (U.S. Patent 6,717,589), hereinafter Grillo.

Regarding claims 1, and 13, Carr teaches a method for positioning rectangular balloons. Balloons and dialog boxes are interpreted herein as being analogous display objects for user aid. Carr further teaches determining whether a graphical user interface (GUI) includes a display area at least equal to an area of the dialog box (taught as the calculation of balloon dimensions and proximity to a "sensitive" area, at col. 3, lines 28-34), absent of any objects (taught as the positioning of a balloon to avoid obscuring an adjacent associated icon or graphic object, at col. 7, lines 3-7), and displaying the dialog box in the display area (taught as the display of a properly sized balloon, at col. 3, lines 32-34).

Carr, however, fails to explicitly teach positioning of a non-modal dialog box (or balloon) to avoid obscuring hyperlinks.

Grillo teaches a method for displaying modal and non-modal help balloons in a network environment, such as a Web browser (col. 3, lines 3-10 and 21-26). It is well known in the art that hyperlinks may be represented on a browser as a graphical image or icon, as well as linked text.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Carr and Grillo before him at the time the invention was made to modify the balloon positioning method of Carr to include the modalities and network capabilities of Grillo in order to obtain a method for positioning non-modal help balloons, or related non-modal display objects, which avoid sensitive areas such as hyperlinked images or icons.

One would be motivated to make such a combination for the advantage of allowing help balloons and boxes to avoid obscuring related images or icons in a network setting.

Regarding claims 2 and 14, Grillo teaches the display of Web content in a browser interface, taught as the use of a network browser for displaying web pages, at col. 5, lines 53-55.

Regarding claims 9, and 20, Carr teaches a method for positioning rectangular balloons. Balloons and dialog boxes are interpreted herein as being analogous display objects for user aid. Carr further teaches determining whether a graphical user interface (GUI) includes a display area at least equal to an area of the dialog box (taught as the calculation of balloon dimensions and proximity to a "sensitive" area, at col. 3, lines 28-34), absent of any objects or a least number of objects (taught as the positioning of a balloon to avoid obscuring an adjacent associated icon or graphic object, with zero obscured objects being a least number of obscured objects, at col. 7, lines 3-7), and displaying the dialog box in the display area (taught as the display of a properly sized balloon, at col. 3, lines 32-34).

Carr, however, fails to explicitly teach positioning of a non-modal dialog box (or balloon) to avoid obscuring hyperlinks.

Grillo teaches a method for displaying modal and non-modal help balloons in a network environment, such as a Web browser (col. 3, lines 3-10 and 21-26). It is well known in the art that hyperlinks may be represented on a browser as a graphical image or icon, as well as linked text. Furthermore, it is inherent in the art that a Web browser functions by processing a request to receive content from a network address, parsing a response to the request, and rendering received content in a viewable manner.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Carr and Grillo before him at the time the invention was made to modify the balloon positioning method of Carr to include the modalities and network capabilities of Grillo in order to

obtain a method for positioning non-modal help balloons, or related non-modal display objects, which avoid sensitive areas such as hyperlinked images or icons.

One would be motivated to make such a combination for the advantage of allowing help balloons and boxes to avoid obscuring related images or icons in a network setting.

Regarding claims 10 and 21, Carr teaches determining positioning of a display object by comparing an area of the object with the display area, taught as the calculation of balloon dimensions and comparing them to display dimensions, at col. 3, lines 32-34.

Regarding claim 15, Grillo teaches the use of non-modal balloons, at col. 2, lines 62-63.

#### ***Allowable Subject Matter***

Claims 3-8 and 16-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art made of record fails to explicitly teach the positioning of a dialog box at a location on a display where a least number of hyperlinks or a least number of hyperlinks likely to be selected are obscured from a user's view, as well as determining the likelihood of hyperlink selection by assigning scores to the hyperlinks based on visitation history, as recited in the claims.

Similarly, while claims 11, 12, 22, and 23 are rejected over 35 U.S.C. 112, an amendment to overcome the antecedent basis problems disclosed above would place the claims in allowable form. The prior art made of record fails to explicitly teach the positioning of a dialog box at a location on a display where a least number of hyperlinks or a least number of hyperlinks likely to be selected are obscured from a user's view, as recited in the claims.

***Response to Arguments***

Applicant's arguments filed 28 September 2004 have been fully considered but they are not persuasive.

In response to applicant's argument that Carr and Grillo fail to teach positioning a non-modal dialog box to avoid obscuring hyperlinks, the examiner respectfully disagrees. As stated in the prior Office Action dated 29 June 2004, Carr teaches displaying a dialog box so as to avoid obscuring icons or graphic objects. Grillo teaches a method for displaying non-modal help balloons in a network environment. The examiner contends that a combination of Carr and Grillo would produce a method to avoid obscuring objects in a network environment, such as icons or graphic objects that contain hyperlinks, as are well known in the art.

Furthermore, applicant's argument whether a display area absent any hyperlinks exists is irrelevant to Carr is a moot point. The examiner has previously stated that Carr fails to explicitly teach a method to avoid obscuring hyperlinks, instead focusing on icons and other graphical objects. Through a combination of Carr and Grillo, it can be seen that the icons and graphical objects of Carr are similar to hyperlinked images or icons commonly found in the network environment as taught by Grillo. Such a combination would thus lead to a method to avoid obscuring images and objects in a network environment, such as hyperlinked images and icons.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**


MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Roswell whose telephone number is (571) 272-4055. The examiner can normally be reached on 8:30 - 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Roswell  
3/24/2005



**RAYMOND J. BAYERL**  
**PRIMARY EXAMINER**  
**ART UNIT 2173**